IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 24029 of 2006(I)

EA.86/2006 IN EP 31/2004 IN O.S.86/2006 OF THE MUNSIFF'S COURT, PATHANAMTHITTA

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PETITIONER:

JAYASREE, MUTTETTE VEEDU,
NEERVILAKAM MURI, KIDANGANNOOR VILLAGE NOW
RESIDING AT SREEVILASOM, PUTHURKARA, KUTTOOR.

BY ADV. SRI.S.MUHAMMED HANEEF.M.

RESPONDENT:

USHA, AIYANKERITHADETHIL VEEDU,
PERINGALA MURI, MULAKUZHA VILLAGE.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.24029/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF DECREE DT.26.7.03 IN O.S.444/2000 OF MUNSIFF'S COURT, PATHANAMTHITTA.

EXT.P2 – TRUE COPY OF EP.31/04 OF MUNSIFF'S COURT, PATHANAMTHITTA.

EXT.P3 – TRUE COPY OF NOTICE DT.20.6.04 ISSUED FROM DO.

EXT.P4 – TRUE COPY OF OBJECTION DT.19.8.04 SUBMITTED BY PETR. IN EP.31/04.

EXT.P5 – TRUE COPY OF B DIARY PROCEEDINGS IN EP.31/04.

EXT.P6 – TRUE COPY OF EA.86/06 IN EP.31/2000.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.24029 OF 2006

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DATED THIS THE 11TH SEPTEMBER, 2007

J U D G M E N T

It is submitted by Mr.S.Muhammed Haneef, counsel for the petitioner and also by Mr.P.Gopakumaran Nair, counsel for the respondent that a cheque has been issued by the petitioner to the respondent and that once the proceeds of that cheque is realised and once the respondent is able to draw the amounts presently under deposit with the court below, the respondent will be prepared to have full satisfaction of the decree recorded.

2. Recording the above submission, it is ordered that once the proceeds of the cheque (i.e., Rs.17,000/-) now issued to the respondent is realised by her and once the court below disburses the amounts under deposit to the respondent (which the court below will do upon application in that regard being filed by the respondent), the decree will stand recorded fully satisfied and the order of sale will stand set aside. If the petitioner is desirous of having a formal re-conveyance of the property to her, the respondent will facilitate such re-conveyance, provided the cost necessary in that regard is expended by the petitioner.

The Writ Petition is disposed of as above.

tgl **(PIUS C.KURIAKOSE, JUDGE)**